



P.O. BOX 23223 Oakland, CA 94623  
Phone (510) 419-0120 / Fax (510) 832-1456

**LETTER OF TRANSMITTAL**  
**SAS Foundations E2/T1 Project**

*Run Date 18-Jan-08*  
*Time 11:16 AM*

Dated: 1/18/08

To: **Pedro Sanchez**  
Caltrans - SAS E2/T1 Foundation Project  
333 Burma Road  
Oakland CA 94607  
Phone: 510-286-0538 Fax:

TRANSMITTAL No: KFM-TRN-000687

Rev: 00

Co/Job # 364-4347

Contract # 04-0120E4

Sub/Supplier:

Sub/Supplier No:

Subject: NOPC 19-011808, 20-011808, 21-011808

Special Provis. (SP) REF:

Standard Spec. (SS) REF:

RESUBMITTAL/SUPPLEMENTAL REF:

We are sending the following attached items:

☒ Attached

☐ Via Fax

☐ Contract Plans/Specs

☐ Certs of Compl./Samples

☐ Working Drawings

☐ Drawings/Calculations

☐ Schedule

☐ WQCP and/or Addenda

☐ Change Order

☐ Progress Estimate Request

☐ Weekly Welding Reports

☐ Copy of Letter

☐ Payroll Information

☐ CWR Procedure

Item	Date	Copies	Description	Pages
01	18-Jan-2008	1	NOPC 19-011808 Form CEM-6201A	
02	18-Jan-2008	1	NOPC 20-011808 Form CEM-6201A	
03	18-Jan-2008	1	NOPC 21-011808 Form CEM-6201A	

These are transmitted as checked below:

☐ For Approval

☐ For Review/Comment

☐ Return For Correction

☒ For Your Use

☐ As Requested

☐ For Information

Remarks:

CC:

Submitted By:

George Atkinson

(KFM Staff Member - Originator of Transmittal)

Checked & Sent By:

Contract Admin/DCS Staff

FOR STATE USE ONLY	
Received By	(For resident engineer) DATE

TO Pedro Sanchez (resident engineer)	CONTRACT NUMBER 04-0120E4	DATE January 18, 2008	IDENTIFICATION NUMBER 19-011808
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This is an Initial Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on:

DATE: January 18, 2008

The particular nature and circumstances of this potential claim are described as follows:

See attachment "NOPC 19-011808 -- Nature and Circumstances of Potential Claim"

(attach additional sheets as needed)

*The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.*

*Kiewit/Fel/Manson ASJV*  
SUBCONTRACTOR or CONTRACTOR  
(Circle One)  
*[Signature]*  
(Authorized Representative)

**For a subcontractor potential claim**

This notice of potential claim is acknowledged, certified and forwarded by

\_\_\_\_\_  
PRIME CONTRACTOR

\_\_\_\_\_  
(Authorized Representative)

### **NOPC 19-011808 – Nature and Circumstances of Potential Claim**

KFM's contract work was delayed due to incorporation of Integrated Shop Drawing ("ISD") changes into the contract plans. The State furnished by State Letter ("SL")-1869, dated September 13, 2006 revised contract plans reflecting ISD conflict resolutions. Per the State's letter SL-1485, referenced in SL-1869, "payment for extra work and changes in contract item quantities that may be associated with applying the approved ISD conflict resolutions and RFI responses to the construction of Pier T1 and Pier E2 shall be addressed in Contract Change Order No. 41."

KFM prepared and submitted a Time Impact Analysis ("TIA") in accordance with Special Provisions Section 10-1.09 to demonstrate the schedule impact of the actual issue date of the revised contract drawings. This time impact analysis was designated "TIA #2." TIA #2 was submitted by KFM letter #200 dated September 28, 2006. The TIA #2 proposal offered a schedule mitigation proposal to maintain the planned project completion date of March 31, 2008 and alter the contractor early completion incentive payment terms. KFM's TIA #2 proposal included the notification that "cost associated with the proposed mitigation measure may include extended labor, equipment and escalation."

The State responded to KFM's TIA #2 proposal on February 26, 2007 by SL-2897. The State's response recognized a 22 working-day delay to project completion, accepted the proposed schedule mitigation, and directed the contractor to incorporate the 22-day delay and mitigation into the project schedule. Per SL-2897 Contract Change Order ("CCO") No. 41 was to be issued to:

- “1. Revise the KFM Early Completion date from December 23, 2007 to January 14, 2008, reducing the Early Completion duration from 100 to 78 calendar days.
2. Maintain the current Contract Completion date of March 31, 2008.
3. Maintain the Early Completion bonus of \$5 million dollars.”

KFM notified the State by KFM letter #246, dated March 8, 2007 that “the three points described in State Letter #2897 dated February 26th do not consider KFM's mitigation proposal in full.” KFM letter #246 continues “As described in our letter #200, consideration needs to be given to extended labor equipment and escalation for that 22 day period” and “KFM's risk associated with not meeting the early completion date has increased”.

Contract Change Order No. 41 as described in SL-2897 has not been issued. Contract Change Order No. 56 was transmitted December 21, 2007 by the State for review and execution by the contractor. CCO 56, as transmitted, incorporates certain contract modifications acknowledged by the State in SL-2897 but does not acknowledge additional costs, risk premiums, or other damages to KFM as a result of the 22 day schedule impact as described in TIA #2.

KFM requests the State issue immediately a contract change order in accordance with Standard Specification 4-1.03 and Standard Specification 8-1.07 to cover all adjustments to time of contract performance, contractor early completion incentive payment, and KFM's additional costs, risk premiums, or other damages resulting from the 22 day schedule impact described in TIA #2.

Imminent completion of all contract work by KFM and Contract Acceptance by the State without an approved contract change order for this work give rise to this NOPC at this time.

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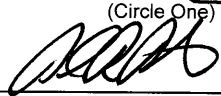
DATE: January 18, 2008

The particular nature and circumstances of this potential claim are described as follows:

Please see attachment "NOPC 20-011808 -- Nature and Circumstances of Potential Claim".

(attach additional sheets as needed)

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Kienit/FCI/Mansun ASV  
SUBCONTRACTOR or CONTRACTOR  
(Circle One)  
  
(Authorized Representative)

**For a subcontractor potential claim**

This notice of potential claim is acknowledged, certified and forwarded by

\_\_\_\_\_  
PRIME CONTRACTOR

\_\_\_\_\_  
(Authorized Representative)

**NOPC 20-011808 – Nature and Circumstances of Potential Claim**

Kiewit/FCI/Manson AJV (“KFM”) was impacted by delayed steel piling deliveries from its pile supplier Trans Bay Steel, Inc (“TBS”). Trans Bay Steel has notified the State that these delays are due in part to direction by the State with respect to the use of welding operator trainees. TBS’s position has been denied by the State and is the subject of NOPC 06-062007 (“NOPC 6”).

NOPC 6 has not been resolved as of the filing date of this NOPC 20-011808. NOPC 6 has been heard by the Disputes Resolution Board (“DRB”) and a recommendation was issued effective January 2, 2008. This recommendation is pending acceptance or rejection from the parties in accordance with the specifications governing DRB operations.

A request for change order by KFM for its damages due to late TBS piling deliveries was deferred pending acknowledgement by the State of Trans Bay Steel’s claims. Completion of contract work by KFM and Contract Acceptance by the State without resolution of TBS’s claims is imminent. Accordingly, KFM makes this Notice of Potential Claim for damages resulting from steel piling delivery delays stemming from Trans Bay Steel’s claims under NOPC 6 and requests the State issue a contract change order immediately for this work in accordance with Standard Specification 4-1.03.

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DATE: January 18, 2008

The particular nature and circumstances of this potential claim are described as follows:

See attachment "NOPC 21-011808 -- Nature and Circumstances of Potential Claim".

(attach additional sheets as needed)

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Kiewit / FCI / Manson JV  
SUBCONTRACTOR or CONTRACTOR  
(Circle One)  
[Signature]  
(Authorized Representative)

**For a subcontractor potential claim**

This notice of potential claim is acknowledged, certified and forwarded by

\_\_\_\_\_  
PRIME CONTRACTOR

\_\_\_\_\_  
(Authorized Representative)

**NOPC 21-011808 – Nature and Circumstances of Potential Claim**

Kiewit/FCI/Manson, AJV (“KFM”) has performed extra work in accordance with State direction to produce partial coordination drawings based on the Integrated Shop Drawings (“ISD’s”) and perform other ISD resolution work in accordance with the Engineer’s direction. This work was performed by KFM’s consulting engineer NorCal Structural (“NorCal”) and is the subject of NOPC 04-012207.

A contract change order for this work has not been approved by the Engineer. KFM requests a change order for this work be issued immediately in accordance with Standard Specification 4-1.03.

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved change order for this work gives rise to this NOPC at this time.